Research On the Legal Legitimacy and Current Situation of Village Regulations from The Perspective of Legal Pluralism

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Abstract. With the continuous progress of China's legal construction process, the problem of China's rural legal governance has become increasingly apparent. Based on the perspective of legal pluralism, compared with the top-down laws enacted by the state, the folk law plays the function of law in a broader sense, with more direct mechanism of action and more far-reaching social connection. The folk law needs to be paid attention to, and the folk law needs to be modified and institutionalized. The problems of weak legal consciousness, deviation of legal understanding and low enthusiasm for legal study. As the representative of the folk law, there are obvious deficiencies in the formulation, review, implementation and remedy of written village regulations in rural China. Solving the above problems is a key step in the construction of rural rule of law in China. Based on a full analysis of the importance of the folk law in the context of legal pluralism, this paper takes H village in S Province as an example to affirm the importance of village regulations to the rule of law governance in rural areas. At the same time, it takes H village in S Province as a model to discuss the existing problems of village regulations, to provide a basis for further improving the legal system of village regulations and promoting the rule of law governance in rural areas.

Keywords: Village regulations, civil law, national law, rural legalization.

1. Introduction

According to the National Bureau of Statistics of the People's Republic of China, by 2018, there were 2.452 million natural villages in China, with a total of 542,019 villagers' committees. By 2022, there will still be 2.332,000 natural villages in China. Through the search of "village regulations" as the keyword in the Chinese law and regulation platform "PKULAW.COM", as of March 2024, there are 1,460 local regulations, of which 1,112 are currently in force, and 177 local government regulations, of which 124 are currently in force; With "village rules and regulations" as the keyword search, we get 50 local laws and regulations, of which 23 are currently valid; There are 41 local government regulations, 12 of which are currently in force. Through data comparison, it can be seen that China's local regulations on "village regulations" have increased by 5.34 times in 8 years. Along with this, the issue of rural autonomy has been paid more and more attention in China in recent years. In the communique of the Fourth Plenary Session of the 18th CPC Central Committee, the Communist Party of China stressed the need to expand the local legislative body, that is, to "authorize prefecture-level city legislative power to cities according to law". As an important means of grassroots autonomy, village regulations can play a stable role in rural governance through legislation and judicial recognition, and gradually become an important form of expression of the folk law and customary law. This paper will discuss the interaction between the folk law, customary law and national law under the background of China's strong unitary central-local subordination system. On this basis, through the investigation of H village in S Province in January 2024 as a case study, the legal legitimacy and importance of village regulations are analyzed. On this basis, the investigation of H village in S province in January 2024 is a case study to analyze the legal legitimacy and importance of village regulations. At the same time, based on H village in S Province, to analyze the existing institutional problems of village regulations, and provide a research basis for the next step to improve the legal system of village regulations.

2. The interaction between customary law and national law from the perspective of legal pluralism

Since the creation and entry of the state, despite the prevailing call for constant vigilance against state power, there has been a widespread belief in the stability and order that the state brings. As the largest and most widely existing social organization in human society, the state guarantees the general interests of the people through a tolerable degree of violence. The state constantly fulfils its commitment to the expectation of the basic interests of the people and gradually forms a strong dependence and identity. Although Mr. Yan Fu stressed in translating the Western concept of law into Chinese that "Western 'law' has four meanings in Chinese:" sense", "ethical code", "law" and "system", the social contract theory sanctifies the state and its rights through the participation of people's private rights, and people have unquestionable trust in the power of the state. The law of the state, as the only true law of human society, is assured.[1] The jurisprudential circle once limited the connotation of "law" to only the category of national law. Under the background of the concept of nationalistic law, folk customs have lost their status as laws, whether from the perspective of the play of their substantive functions or the construction of social consciousness and social consensus. If a habit wants to become a law, it must be recognized by the national legislature or applied by the national judicial organ. Customary law was assimilated into the dictates of the sovereign, [1] the power of the state acted in its powerful form on the private, and the operation of the state apparatus was therefore required to reach every corner of social life in great detail.

However, such a legal-centric view ignores other orders that exist widely in social life, and the application of national laws necessarily has its boundaries. Some Chinese scholars once proposed the concept of "rule of law radius", which he defined as the degree and scope of law implementation and the degree to which law is recognized by the public [2] In fact, China's "rule of law radius" is small, especially in rural areas, affected by factors such as education level, frequent legislation and amendment of national law, farmers are difficult to understand, master and apply official national rules. In the vast rural areas of China, it is difficult to solve production and life disputes through legal remedies, but the general means of dispute resolution in rural China is the natural growth and the folk customary order of local society, which villagers have personally experienced, adapted to, used and mastered since birth. They live in a social sphere filled with local civil order, which enables civil customary law to impose moral condemnation based on common cultural identity on community members in a way that is different from national law. Such condemnation and punishment are often more effective than top-down laws in areas where rural morality is more stable. Durkheim believed that the sum of the beliefs and feelings of the average member of society constituted their definite system of life, which we can call collective consciousness or common consciousness, and if an act violates a strong and clear collective consciousness, then this act is a crime. [3] Hedley Bull shares the same view: "In rural China, rules do not emanate from any central rule-making authority but arise out of the practice of lineage or locality groups in their relations with one another, become embodied in ‘custom’ and are confirmed by moral and religious belief. Conformity to these rules is brought by ‘moral’ sanctions such as public ridicule and reprobation which means the"public opinion will rise and punish the offender."

Taking Wendou Village of Guizhou Province as an example, an empirical study can better demonstrate the operation of the above mechanism, which is stipulated in the first part of the third chapter of the Settlement of Civil Disputes of the Village Regulations of 1998, Handling Regulations on abducting Women and Destroying the harmony of Others' Families:"(1) The woman: intentionally abandoned her husband and others to fool around, was found, reported to my village to deal with: one is to make her paraded through the village and shouting her fault; The second is a fine of 300 yuan. (2) The male: the same as the above treatment "; In the fifth part of this chapter, "Gossip causes disputes," it is stipulated that "After the investigation and investigation of the family division caused by rumour, the rumour maker should come to the home to admit his fault and paraded through the village for 10 nights Shouting about his faults, to clear the reputation of the victim." The village extended the tradition of “Sound the gong and shout the village” as a means of restoring the reputation

of the victims, effectively avoiding the occurrence of bad behaviours, and at the same time, effectively punishing them. [4] Unlike modern public law, which takes advantage of people's desire not to be deprived of life, freedom and property, Wendou Village can effectively prevent and punish challenges to the rules by taking advantage of people's sense of honour and shame. Its collective consciousness, built on village ethics, makes the challenger understand that the punishment he will face is real, tangible, and severe. It should be emphasized that to ensure the stable operation of such a mechanism, we need to ensure that in every village in China, in every small community of acquaintances formed based on blood and geography, there is a single stable order authority, whether it is a modern order, a local order, a national order, or a folk order. People always need a stable rule to ensure that their reasonable interest expectations can be realized, to obtain the necessary sense of order and trust. Only in this way can "law" be put into practical use, play its due function, and protect the values and rights advocated by it. China's rural customary law intersects deeply with people's lives in the three dimensions of morality, interest and justice, and become a resource and power that cannot be ignored and is rare.

Therefore, according to legal pluralism, it is pointed out that disputes over production and life in rural China are difficult to be resolved through public power, and it is difficult to be resolved only through theoretical discussion and legislative discussion. The dispute resolution mechanism of rural society needs the positive interaction and "reflective integration" between rural society and the state, and the joint action of national law and customary law, which is a comprehensive social project. It needs to promote the free association of villagers and village communities, and counter, guide and transform the non-reciprocity of the national litigation mechanism. [5]

However, in the countryside, people need stable governance authority. The intrusion of modern state law into Chinese traditional rural society breaks the authority of traditional customary law but fails to effectively establish its availability, practicability and ease of use in the countryside, forcing the countryside into a vacuum of order. While the codification of rural customary law can effectively re-establish the authority status of customary law, avoid randomness and subjectivity in the application of custom, and ensure the stability, clarity and openness of rural order. On the content level, codification is beneficial to standardize the expression of customary law, clarify the logic of customary law, and help the accurate application of customary law. At the same time, codification can help the customary law to cope with the emerging legal problems in the village and help the customary law to constantly progress with the times. In terms of the formulation procedure, the villagers' assembly system guarantees the fairness of villagers' self-government, and the formulation process of written customary law helps to strengthen the contractual nature of customary law as a village convention, which ensures that each villager can effectively protect his or her legitimate rights and interests from being infringed during the formulation process of village contract. In addition, at the national judicial level, only written customary law can be applied judicially more conveniently, which can enable judicial organs to identify and identify folk customs more accurately and quickly and enhance the practicality of the folk law at the level of national law. Written customary law has become an important bridge between the folk law and national law, and a key stage for interaction between the folk law and national law. Therefore, the contemporary Chinese countryside is faced with the urgent need to institutionalize customary law and elevate it to the formulation of law. As the only form of written customary law at present, the village regulations play the above role and its importance is self-evident, and the discussion in this paper will also focus on the village regulations.

Village regulations are common rules of self-management, self-service and self-restraint jointly observed by a common regional organization or people in a certain period, formulated by a certain organization and people in a specific rural area. [6] At the same time, to regulate the specific activities of village-level governance, rules and regulations at various levels are formulated by the village-level public authority through democratic means through national laws and regulations and absorb reasonable elements of traditional local culture [7]. The above two definitions of the village regulations show two important aspects of the village regulations -- consent and authorization. The consent of the village regulations clearly emphasizes the high need for the direct participation of

villagers in the formulation of the most basic and least dimensional social contract. Its authorizability emphasizes that from the formulation of village regulations to its content and application, it should institutionalize local customs while not violating the content of national law. Based on the same point of view, Professor Gao Qicai called the process of making village regulations "the detailed rules of national law" and "the institutionalization of traditional customary law".

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3. Empirical research on the importance of village regulations -- based on the investigation of the status quo of the rule of law in H village in S Province

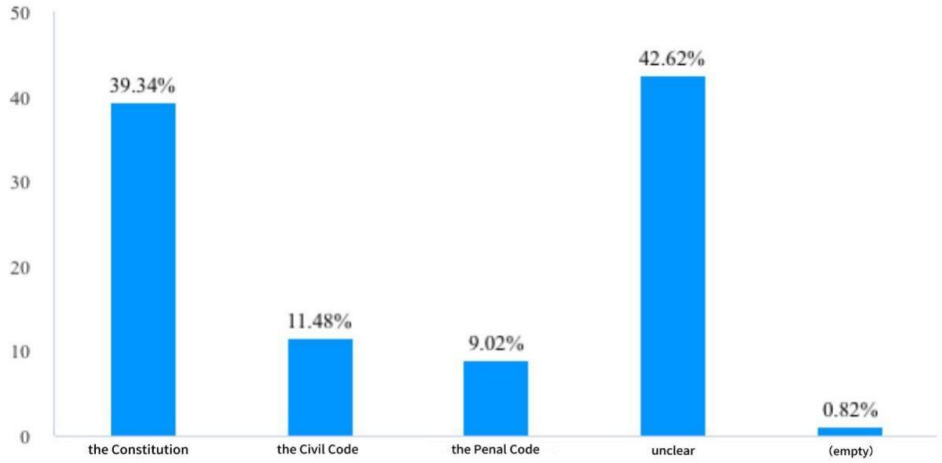


Figure. 1 What is the fundamental law of our country

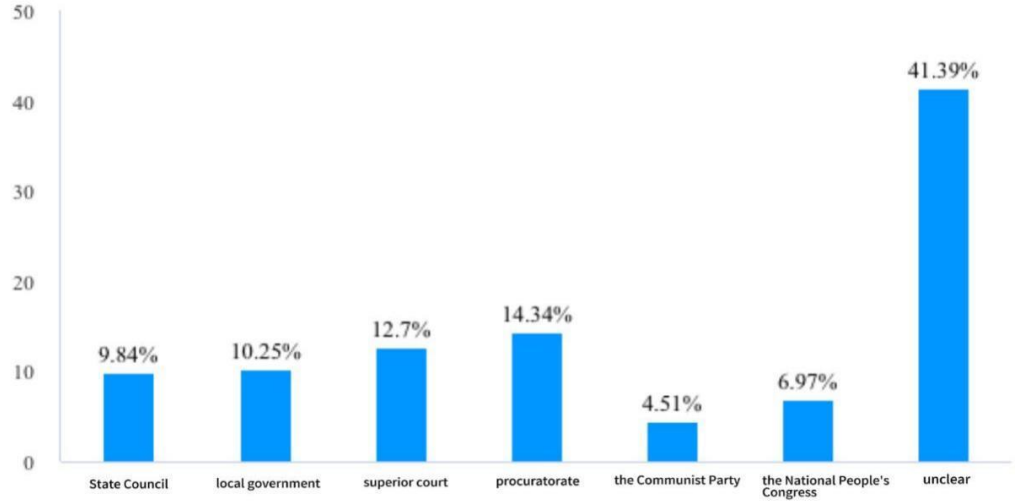


Figure. 2 To what department do you think the Court is supervised and responsible

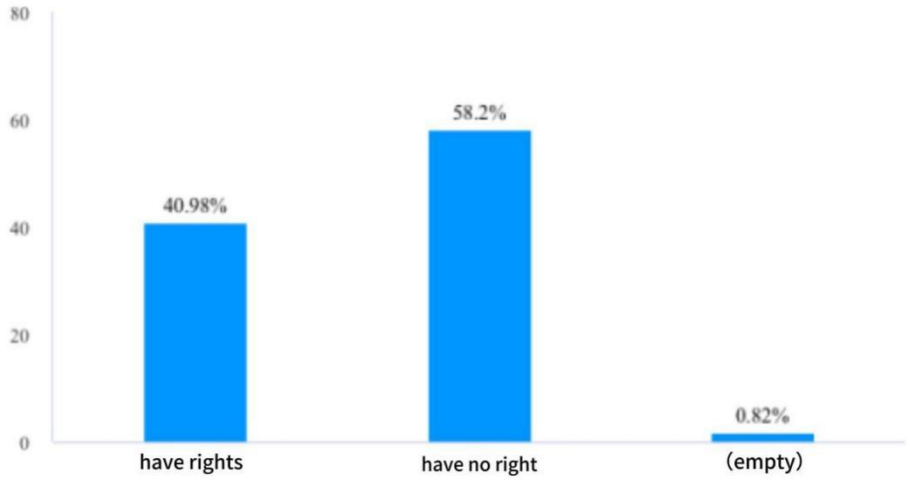


Figure. 3 Do you think that unfilial children have the legal right to divide the estate of the elderly

This questionnaire adopts the method of offline auxiliary filling and online data recovery to survey more than 240 villagers in H village. The survey results of the villagers' basic legal ability are shown in figures 1 to 3. The survey results show that, in terms of "What is the fundamental law of our country?" as shown in figure 1. Only 39.34% of the villagers answered the multiple-choice question correctly, while 42.62% of the villagers were unclear.

In the question shown in figure 2, "To what department do you think the Court is supervised and responsible?" Only 6.97 per cent of the villagers answered this multiple-choice question correctly, while 41.39 per cent were unclear.

In response to the question in figure 3, "Do you think that unfilial children have the legal right to divide the estate of the elderly?" Among the answers to this multiple-choice question, 40.98% of the villagers answered correctly. The above data show that Chinese villagers are weak in legal ability, they still cannot get correct answers to basic legal questions, they have not formed a basic understanding of the law and their understanding of the basic framework of the law, the basic process of the operation of the authority and the basic value emphasized by the law is still biased, and villagers may have great difficulties in using the law to safeguard their interests.

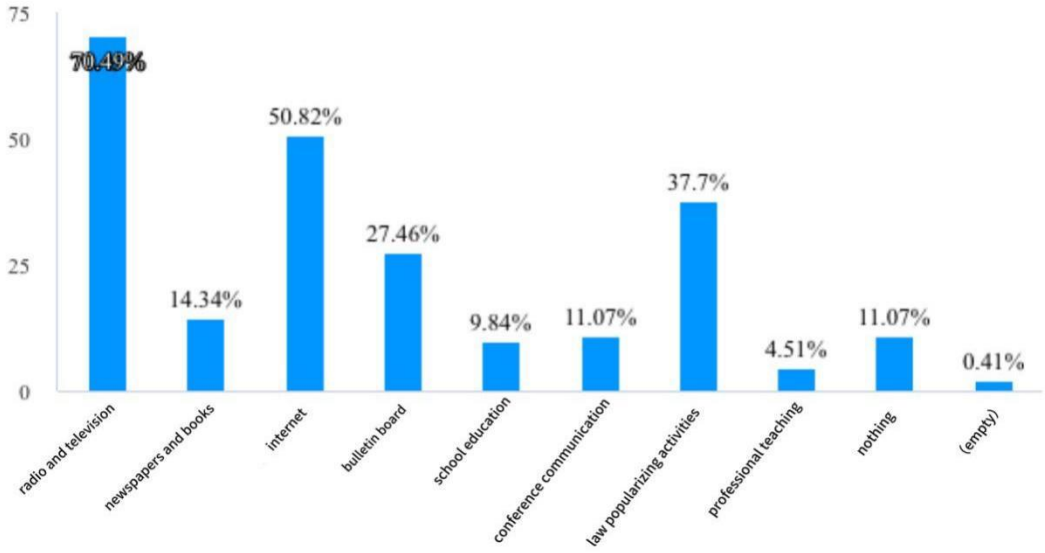


Figure. 4 From what forms and channels do you mainly learn legal knowledge

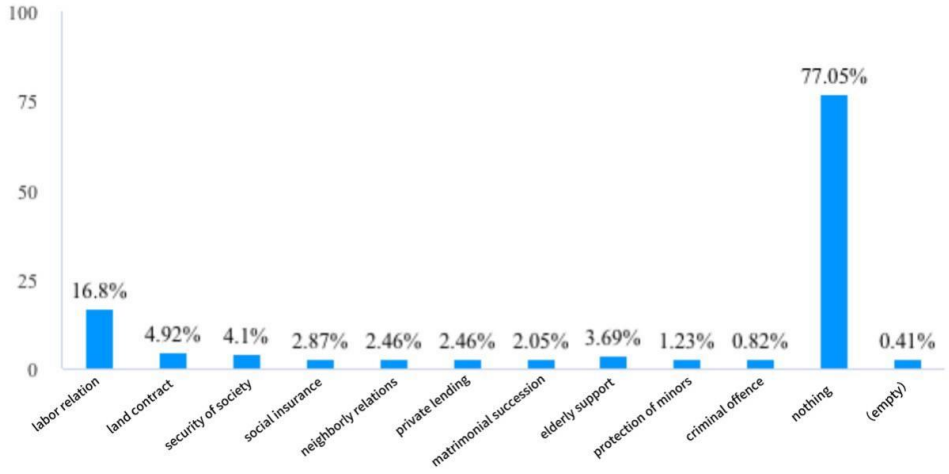


Figure. 5 Have you ever been in trouble with the law in your life, which ones are there

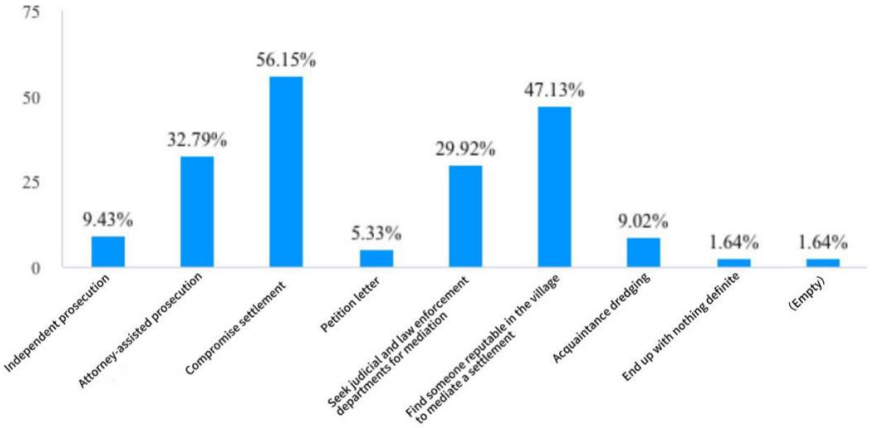


Figure. 6 What kind of dispute resolution method do you prefer when you encounter a dispute

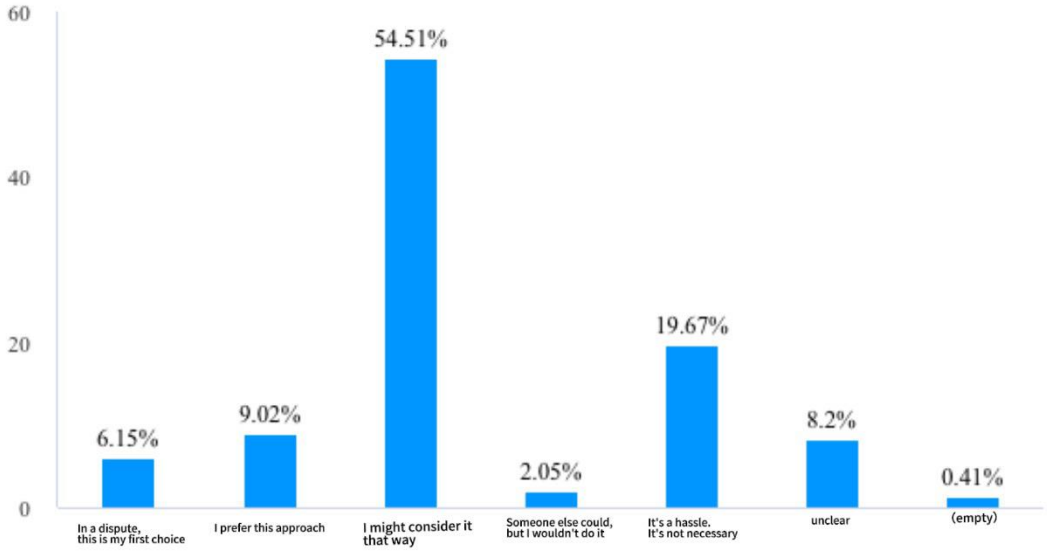


Figure. 7 What do you think about 'litigating'

The survey results of the villagers' laws and related activities are shown in figures 4 to 7. The survey results show that in the answer to the question "From what forms and channels do you mainly learn legal knowledge" shown in figure 4, the three main ways for villagers in Village H to learn legal knowledge are radio and television, Internet and law popularizing activities, which are generally the most convenient and easy for villagers to use. The least difficult way to acquire legal knowledge is "listening to lectures". Villagers are more inclined to acquire legal knowledge passively through the fragmented narration of others, rather than actively acquire legal knowledge through reading, communication and other ways, and villagers have low enthusiasm for legal learning.

In response to the question shown in figure 5, "Have you ever been in trouble with the law in your life? Which ones are there?" It can be seen from the answers of the respondents that a total of 101 villagers have experienced legal disputes, and 188 of them said that they had not encountered legal disputes. This result indicates that although only a small number of 55 villagers have experienced legal disputes, the total number of legal disputes is large, although the villagers' cognition of whether disputes rise to the legal level may be biased. But in general, it can be seen that there are indeed a large number of disputes in the daily lives of villagers. Many young and middle-aged people in H village go out for work, and the disputes mainly focus on labour relations and land contracting, so solving disputes is a practical need in villagers' daily lives.

In answer to the question "What kind of dispute resolution method do you prefer when you encounter a dispute?" shown in figure 6, it can be seen that the two dispute resolution solutions most often chosen by villagers are "negotiation settlement" and "seeking mediation by a reputable person in the village". It can be seen that villagers often choose dispute resolution solutions other than litigation -- mediation or negotiation by rural elites. In the process of mediation and negotiation, the institutional norms cited by the rural elite inevitably (not necessarily) include the norms of the folk law, and the "adjudication" process of the rural elite introduces the "adjudication" habit in the village. Through the selection of villagers, it is not difficult to find that villagers do not have strong confidence in judicial remedies. At the same time, the folk law plays a vital role in resolving disputes in villagers' daily lives, and the folk law norms are indeed used intensively.

In response to the question shown in figure 7, "What do you think about 'litigating'?" The answer shows that 54.51% of villagers think "I may consider this way", 19.67% of villagers think "It is very troublesome and unnecessary", and only 6.15% of villagers consider litigation as their first choice. This data shows the villagers' general view of litigation, that is, litigation, as a formal dispute resolution approach, has generally become an alternative scheme for villagers when they encounter disputes, and the national law has "lost" in parallel with the the folk law. In summary, the reasons why villagers do not choose the litigation method are as follows: (1) Villagers are more accustomed to and trust the judgment of villagers and can better realize their expected interests. (2) The difficulty of litigation is too high for village people with less legal knowledge reserve and weak legal consciousness (3) there is a lack of professional legal personnel in the village to assist with litigation (4) the time cost and money cost of litigation from filing, hearing to execution are too high. "Litigation is far less direct and efficient than mediation." According to the content of the legal aid work conducted by the author in Village H, the villagers generally have a weak awareness of evidence and frequently do not know the identity information, real name and home address of the defendant, which leads to no litigation. At the same time, villagers are easy to misbelieve the wrong legal propaganda, and there are mistakes in judging the possible solutions to disputes.

The above simple survey conducted in H village in S Province shows the common problems in dispute resolution between H Village and rural villagers in other parts of China: First, villagers generally exhibit the phenomenon of "legal evasion". On the one hand, due to the cumbersome litigation procedures and high-cost villagers' weak legal awareness and legal ability and they cannot implement legal dispute resolution thinking into their daily lives. The high requirements of litigation channels for information, documents, evidence and other aspects lead to villagers' loss of confidence in the application of law. On the other hand, due to the common geographical and cultural space of the two parties to the rural dispute, it is easy for the two parties to communicate and understand each

other. At the same time, because the two parties must continue to live in this space after the settlement of the dispute, to avoid the sharp contradictions brought by the lawsuit, Such space constraints force the villagers to be more willing to adopt a compromise and cooperative attitude. [8] Second, due to the diversity and richness of production and life within and between villages, as well as the general and generalized strategies adopted by national laws for universal application, it is fundamentally determined that formal rules are difficult to correspond to specific dispute situations in people's production and life. Therefore, compared with the complicated and vague top-down laws, the convenient and flexible village regulations provide a better solution for villagers to resolve disputes. Here, the national legal system should and needs to be supplemented by spontaneous the folk law. To cope with the dilemma of law application and the preference tendency of villagers, the written, perfect and adaptable village regulations as an important local legal resource are worthy of further discussion.

4. Analysis of the existing problems in China's village regulations - taking H Village as an example

The existing problems of China's village regulations are mainly as follows:

First of all, township government-forced implementation and formalization problems are prominent. The Central Committee of the Jiusan Society said in its "Suggestions on Further Standardizing Village regulations" that 37% of administrative villages in a certain province have the phenomenon of the township government forcing the formal village regulations. The Organic Law of the Villagers' Committee of the People's Republic of China clearly emphasizes that village regulations should be formulated by the villagers' assembly. However, in practice, village regulations are often formulated directly by the villagers' committee or even distributed after unified formulation by the township government. As a result, the formulation of village regulations lacks the direct participation and extensive discussion of villagers, and even the situation of compulsory contracting occurs in the village. It separates the village regulations from the actual production and life and becomes a formalized product made by the township government to cope with the pressure of government affairs, which cannot be applied in practice, and goes against the original design intention of the village regulations system. In the village regulations of H village, there are traces of unified formulation by the township government. Article 11 of the H Village Regulations stipulates that "the villagers' group is under the leadership of the villagers' committee and assists the villagers' committee in carrying out its work." The village is divided into 11 village groups, and a leader is elected by the villagers. The responsibility of the group leader is to convene meetings of the villagers' group, organize activities of the whole group of villagers, and report the work to the villagers' committee promptly to reflect the opinions of the villagers." The number of villager groups specified in this article is filled in the blank of the original document, which has obvious traces of the township government formulating and distributing, and the village committee receiving and implementing.

Secondly, the problem of copying village regulations is serious, and the provisions are simple. H village regulations language is officially rigid, more like article 7, "involving the interests of the villagers, the following matters can be handled by the villagers' meeting to discuss and decide: (1) the village enjoys the personnel and subsidy standards for late work; (2) The use of the income obtained from the village collective economy; (3) the establishment of the village's public welfare undertakings and the plan for raising funds and labour and the plan for contracting construction; (4) Plans for contracted land management; (5) Project establishment and contracting plans for village collective economic projects; (6) Plans for the use of residential land; (7) Plans for the use and distribution of land expropriation compensation fees; (8) Disposing of village collective property by loan, lease or other means; (9) Other matters concerning the interests of the villagers that the villagers' meeting considers should be discussed and decided by the villagers' meeting. The villagers' meeting may authorize the villagers' representative meeting to discuss and decide on the matters provided for in the preceding paragraph. Where the law provides otherwise on matters concerning the discussion and decision of property and the rights and interests of village collective economic organizations,

such provisions shall prevail." The village regulations completely copy the provisions of the Organization Law of the Villagers' Committees, not only does it not discuss the above matters, but even copies the sentence "the villagers' meeting can authorize the villagers' representative meeting to discuss and decide on the matters provided for in the preceding paragraph", and the scrawl of the village regulations can be seen. In fact, in H village, there are a large number of fruit tree outsourcing planting, S province Z resource centre bank land acquisition, road renovation and other specific problems, all continue to trouble the production and life of villagers, these long-term, huge impact of the village regulations has not made a clear and specific agreement, unable to play the village regulations compared with the "Villagers Committee Organization Law" advantages of practical value.

Thirdly, The incompleteness of the pre-examination system of village regulations. According to social research done in Wendou Village, the practice development of the village rules and regulations for the record review is roughly as follows: in 1998, the village regulations were not reviewed, "after the development of a copy to the township government on the line"; In 2012 and 2015, the village regulations were formulated and reviewed for the record. In 2015, the revision procedure of village regulations generally went through four stages: organizational preparation → publicity launch → discussion and revision → filing. The filing and review work is mainly arranged in the fourth stage (filing and filing stage), that is, the village committee will submit the village regulations discussed and revised by the villagers' meeting and voted on to the "Hekou Township Village Regulations Filing group", and the two results of "passing" and "not passing" will be obtained after the review by the group. If "passed", it will be filed by the group, if "not passed", it will be sent back to the village committee for rectification and re-report. [7] Through such examples of the filing of village regulations, the concepts of pre-review and post-review can be clarified. The disadvantages of post-review are obvious, that is, the illegality and infringement of village regulations cannot be pointed out in time, and it is difficult to urge changes. Professor Chen believes that legal professionals from all walks of life should be involved in the "discussion and revision" stage of village regulations. The legality of village regulations should be examined and effective relief should be provided in advance.As for the record review system, some scholars believe that the passive review based on the application of villagers should be added in addition to the active review. On the other hand, in addition to guiding legal professionals from all walks of life to participate in the review, when necessary, the government can use the way of purchasing services to outsource the registration and review of village regulations and conventions to a third-party institution. [9] Opening to society and outsourcing can effectively reduce the administrative pressure of the government, increase social participation at the same time, show the codification and formalization of village regulations to the society through social and economic channels, and cultivate the pluralistic awareness of the law in the society. In addition, the incidental review of administrative and judicial remedies is also an important program for the review of village regulations, according to the provisions of Article 10 of the Civil Code of the People's Republic of China: "Civil disputes shall be handled by the law; Where the law does not provide, customs may be applied, but public order and good customs may not be violated." Although in the civil litigation between equal subjects based on the village regulations as the basis for judgment, the court cannot find the relevant provisions of the village regulations invalid, but it cannot apply the relevant village regulations and make judicial recommendations to the relevant people's government through indirect review mode, to order correction.

Fourthly, there is a system gap in the implementation and supervision of village regulations, and there is no provision in the village regulations of H village. The issue can be referred to Jinxiu Town, Guangxi, Linxiangtun villagers Convention article 17 provides: "To maintain the seriousness of the village regulations, the establishment of the village regulations supervision group, the members of the villagers elected by the villagers, responsible for monitoring the villagers' compliance with the village regulations, and the villagers' violations submitted to the villagers' assembly or the head of the household meeting to discuss the punishment decision."[10]

In Article 4 of the 2012 Village Rules and Regulations of Wendou Village in Guizhou Province, it is stipulated that: "The Villagers' Self-governance Contract was voted by the villagers' representative meeting on December 25, 2012, signed by the head of the household, and implemented by the village two committees and the enforcement group on December 30, 2012.The above three villages set up supervision groups, village protection teams and enforcement groups in the implementation stage of the village regulations, exercise the enforcement power of the folk law, impose rewards and punishments on the villagers, optimize the practicability of the village regulations, enhance the credibility of the village regulations, and have reference significance.

Fifthly, the relief system of civil and administrative litigation after the village regulations needs to be further improved. According to Article 36 of the Organic Law of the Villagers' Committee of the People's Republic of China, "If a decision made by the villagers' committee or a member of the villagers' committee infringes on the legitimate rights and interests of the villagers, the villagers who have been infringed upon may apply to the people's court for cancellation, and the person responsible shall bear legal responsibility according to law." If the villager's committee fails to perform its statutory obligations by the provisions of laws and regulations, the people's government of the township, nationality township or town shall order it to make corrections. Where the people's government of a township, nationality township or town interferes in a matter that falls within the scope of the villagers' autonomy according to law, the people's government at the next higher level shall order it to make corrections." It is stated in Article 2 of the Reply of the Ministry of Civil Affairs to the Proposal on Promoting the legalization of Village regulations: "The Supreme People's Court believes that acts that violate the Constitution, laws, regulations and national policies and infringe on the legitimate rights and interests of villagers during the specific implementation of village regulations should be included in the scope of accepting cases of administrative litigation." Generally speaking, administrative litigation is indirect for the supervision of such cases. That is, the villagers believe that the village regulations infringe on their legitimate rights and interests, and request the people's government of the township, nationality township, and town to deal with it, and if they are not satisfied with the treatment, they will conduct an incidental review of the village regulations when they bring an administrative lawsuit again." When a decision made by a member of the village villagers committee by the village regulations infringes on the legitimate rights and interests of the civil subject, the civil subject may, by filing an administrative lawsuit, ask the court to make a judicial recommendation to the people's government, to order the correction of the provisions of the village regulations. However, there is a narrow application scenario in the above administrative litigation, and the court can only make a ruling on the decision of the villager's committee members. Article 1, paragraph 3, of the Interpretation of the Supreme People's Court on Issues relating to the Application of Law in the Trial of Cases involving Rural Land Contract Disputes, stipulates that "If a member of a rural collective economic organization brings a civil lawsuit concerning the amount of land compensation fees used for distribution, the people's court shall not accept it." Article 24: "The people's court shall focus on mediation when trying disputes involving Article 5, Article 6, paragraph 1 (2), paragraph 2, and Article 15 of this Interpretation. People's mediation organizations can be entrusted to mediate, when necessary, which greatly reduces the application scenarios of judicial relief and urgently needs to be paid attention to and improved. For the village regulations after culture and formalization, a complete regular inspection system and effect evaluation system should be established. [11]

To sum up, the problems found through the analysis of the village regulations in H village show to a considerable extent that there are still institutional and practical problems in the formulation, review, implementation and remedy of the village regulations in China's rural areas, which require further discussion and practice in system design and specific strategies in the academic circle.

5. Summary

The civil legal order is of great significance for grassroots social governance and social control. However, in modern times, where people have a high degree of trust in state power, the majority of rural villagers in China are no longer satisfied with simple and unwritten local rules, and simple and sloppy civil dispute resolution solutions are increasingly tiring for the disputes emerging in increasingly complex production and life. For cases with higher target value, more people involved, and more complicated facts, villagers began to expect their disputes to be resolved through legal channels with more technical, clearer and stricter procedures, and public power as a guarantee. On the other hand, the high generality of national law makes it unable to touch the different social realities at the basic level of the country. Villagers need to speak for their personalities through the folk law, provide the judicial organs with tools to help them cut in reasonably, and provide more adaptive and effective regional rules for judicial adjudication. The above two types of needs of the majority of villagers have spawned the need for the formation and institutionalization of the folk law, and the call for the formulation of village regulations has emerged. Specific and accurate the folk laws have enriched the subset of national law, and the formulation of village regulations has incorporated rural areas into social legal life. It is necessary to recognize the difficulties in the application of law by villagers, the vacancy of village regulations, and the low availability of the status quo. When the folk law continues to receive attention, more and more scholars and practitioners will enter the research field of the folk law to help the folk law from the macro system construction to the micro formulation and review of village regulations. The scientific, systematic and practical nature of the folk law norms represented by the village regulations will be continuously improved, villagers will be able to formulate reasonable and legal village regulations more efficiently, the judicial application of village regulations will be further convenient, and the legal construction of Chinese villages will be gradually improved.

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